HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.7791 of 2005

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Between:

E.G.Hemanth Kumar and others. ……Petitioners.

And

Government of Andhra Pradesh,
represented by its Secretary,
Municipal Administration and Urban Development
Department, Secretariat, Hyderabad
and others.

……
Respondents.

:: O R D E R ::

Counsel for the petitioners : Sri S.Ramachandra Rao,
Senior Advocate, assisted by
Sri K.R.Prabhakar, Advocate

Counsel for the respondents : Government Pleader for
Municipal Administration.

5th February, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioners have made the following substantive prayer:

> "It is, therefore, necessary in the interests of justice that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly, one in the nature of writ of mandamus declaring the proceedings of the Collector and District Magistrate made in D.O. Lr.No.Cllr.Peshi/2005, dt.15-2-2005 and G.O.Ms.No.309, Municipal Administration and Urban Development (Elec.II) Department, dt.11-4-2005 and G.O.Ms.No.310, Municipal Administration and Urban Development (Elec.II) Department, dt.11-4-2005 and all the consequential steps for upgradation of Tirupathi Municipality into Municipal Corporation as arbitrary, illegal, unjust, contrary to law and in violation of the fundamental rights guaranteed under Article 14 of the Constitution of India and in violation of the principles of natural justice and also contrary to Articles 243-E, 243-Q, 243-U, 243-W(a) and 243-ZF of the Constitution of India, if necessary, declare Sections 3-A and 59 of the A.P. Municipalities Act, 1965 and Section 3 of A.P. Municipal Corporations Act, 1994 as illegal and unconstitutional for being in violation of Part IX-A of the Constitution of India and quash the proceedings of the Collector and District Magistrate made in D.O.Lr.No.Cllr.Peshi/2005, dt.15-2-2005 and G.O.Ms.No.309, Municipal Administration and Urban Development (Elec.II) Department, dt.11-4-2005 and G.O.Ms.No.310, Municipal Administration and Urban Development (Elec.II) Department, dt.11-4-2005 and issue consequential direction to the respondents not to proceed with the upgradation of Tirupathi Municipality into Tirupathi Municipal Corporation and pass such other order or orders as are deemed fit and proper in the circumstances of the case."

Sri K.R.Prabhakar, Advocate for the petitioners has circulated letter dated 2-2-2007 for grant of permission to his clients to withdraw the writ petition.

Sri S.Ramachandra Rao, Senior Advocate appearing for

petitioners reiterates the statement contained in the letter circulated by Sri K.R. Prabhakar.

In view of the above, the writ petition is dismissed as withdrawn.

As a sequel to dismissal of the writ petition as withdrawn, WPMP.No.10341 of 2005 filed by the petitioners for interim relief is disposed of as infructuous and the interim order is vacated. WVMP.No.1535 of 2005 filed by the respondents for vacating the interim order is also disposed of as infructuous.

G.S.SINGHVI, C.J.

5th February, 2007

C.V.NAGARJUNA REDDY, J.

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